

## RULE 16

### Hearings

#### Section 1. Hearing by Commission.

Any party to Commission proceedings may invoke the rule as to witnesses as known to the practice in the District Courts of the State of Texas, and the Commission or Hearing Officer may, on their own motion, impose such rule, the effect of which will be to exclude from the hearing room all witnesses, except the person preferring the charges or acting in the discharge, suspension or reduction of the accused employee, while other witnesses are being questioned or other testimony given.

#### Section 2. Continuance of Appeals Hearings.

Recognizing that the prompt hearing and disposition of disciplinary appeals is in the interests of appellants and the City, and that there are often financial implications inherent in such cases, it is the policy of the Commission that appeals of disciplinary actions proceed as expeditiously as possible, consistent with the interests of fairness. Consequently, the following provisions regarding the continuance of disciplinary appeal hearings are adopted.

a. When either party requests a continuance, that party shall file a written motion with the hearing officer of Commission. The Motion shall be identified as the party's First Motion, Second Motion, and so forth and shall set out the grounds upon which the motion is made. Any motion shall also state that the motion is not made merely for purposes of delay. Except for good cause shown, any such motion shall be made not less than seventy-two hours prior to the scheduled time of the hearing. In the case of a motion for continuance on account of an absent witness, the moving party shall establish that it has used reasonable means to secure the attendance of the witness.

b. Upon receipt of a motion for continuance, the hearing officer or Commission may schedule a hearing on the matter to consider the testimony and position of both parties with respect to the motion. The granting of a motion for continuance shall be within the sound discretion of the hearing officer or Commission which shall not be bound by the agreement of the parties with respect to the motion.

c. No motion for continuance shall be denied for reasons of form without first giving the moving party the opportunity to cure any defects as to form.